IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE TWENTY FIFTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS. JUSTICE T.MEENA KUMARI

&
THE HON'BLE MR. JUSTICE S. ANANDA REDDY

WRIT APPEAL NO: 1522 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 12/08/2004 in WP NO: 14034 OF 2004 on the file of the High Court.)

Between:

M.S. Murthy S/o.Guru Peddanna
r/o.H.No.13/57, Kasapuram Road Siva Reddy Street, Guntakal, Anantapur District.

... APPELLANT

AND

1. The APSRTC rep by its Regional Manager, Anantapur Region, Anantapur District.

2. The Depot Manager, A.P.SR.T.C. Kadiri Bus Depot, Kadiri, Anantapur District.

3. The Depot Manager, A.P.SR.T.C. Guntakal, Anantapur District.

...RESPONDENTS

Counsel for the Appellant: MR. M. GANGA RAO

Counsel for the Respondents: MR. P.V. SWAMY

The Court made the following:

JUDGMENT: (Per the Honourable Smt. Justice T.Meena Kumari)

This writ appeal is filed by the writ petitioner-appellant herein aggrieved by the order in W.P.No: 14034 of 2004, under which the learned single Judge disposed of the writ petition to the extent indicated therein.

2. W.P.No: 14034 of 2004 has been filed by the writ petitioner-appellant herein seeking Mandamus directing the respondents to continue him at Guntakal Bus Depot of Anantapur Division, while directing the respondents not to initiate any disciplinary proceedings against him in pursuance of the Proceedings No.P2/813(1)/2004-KDR, dated 23-07-2004 passed by the second respondent. The learned single Judge having observed that the first respondent-Regional Manager, who has supervisory jurisdiction over both Hindupur and Anantapur Divisions, is competent to effect the transfer of any employee under those divisions, and if at all the petitioner has any inconvenience, he may make an application before him and on such presentation of the application, the first respondent may consider and pass appropriate orders on the said application within two weeks from the date of presentation of the application, disposed of the writ petition. Dissatisfied with the same, the writ petitioner has preferred this appeal.

3. Heard the learned Counsel on either side.

4. It is the contention of the learned counsel appearing on behalf of the appellant that as soon as the appellant was appointed as Conductor he was allotted to Anantapur Division on formation of Anantapur Region in the year 1995 and Anantapur Region was divided into two divisions i.e. Anantapur Division and Hindupur Division for better supervision, management and convenience of the work force as per Union

agreements. But he was transferred from Guntakal Bus Depot of Anantapur Division to Kadiri Bus Depot of Hindupur Division, which is outside the Division, to which the appellant was allotted. It is also his further contention that the appellant was on sick leave from 30-06-2004, but the third respondent without cancelling his sick leave relieved him by proceedings dated 02-07-2004, which was also not communicated to the appellant. Later the third respondent issued the impugned notice calling upon the appellant to attend his office on 28-07-2004 and explain the reasons for his unauthorized absence from the date of relieve, and if he fails to attend the office, the third respondent endorsed on it that the matter would be recommended for disciplinary action to the competent authority. It is further vehemently contended that the wife of the appellant is working as a Teacher in Multipurpose Upper Primary School, Chinnahyata, Holagunda Mandal, Kurnool District, which is nearer to the part of Anantapur Division.

5 On the other hand, the learned Standing Counsel for the respondent-Corporation supported the order of the learned single Judge, contending that there are no valid and tenable grounds to interfere with the order under appeal and therefore, the writ appeal is liable to be dismissed.

6. We have perused the order impugned. The learned single Judge has observed that since the appellant who is an employee under the control of the third respondent, is bound to report on transfer, so long as it is in force, and if at all he has got any inconvenience, he can make an application and convince the authority as to his grievance, if any. However, liberty is granted to the petitioner to file an application and express his inconvenience for the transfer, and on such presentation of the application, the first respondent is directed to pass appropriate orders on the said application within two weeks from the date of presentation of the application.

7. The grievance of the petitioner is with regard to the transfer and also with regard to the proposed disciplinary proceedings. This aspect is purely confined to the administrative affairs, in which, the Courts will not interfere unless there is arbitrariness or irregularity. In this regard, no material is placed before this Court that the action of the respondents, is beyond their jurisdiction.

8. In this view of the matter and the facts and circumstances of the case, We have no hesitation to hold that the direction issued by the learned single Judge, is just and proper and it would meet the ends of justice. As such, we see no merits to entertain this appeal and the same is liable to be dismissed.

9. Accordingly, this writ appeal is dismissed at the admission stage. No costs.

_____

T. MEENA KUMARI, J

_____

S. ANANDA REDDY, J

Dt.25-01-2005

Glv/Gurc.

Copies to:

1. The APSRTC rep by its Regional Manager, Anantapur Region, Anantapur District.
2. The Depot Manager, A.P.SR.T.C. Kadiri Bus Depot, Kadiri, Anantapur District.
3. The Depot Manager, A.P.SR.T.C. Guntakal, Anantapur District.

4. Two C.D. Copies.

HONOURABLE SMT. JUSTICE T.MEENA KUMARI

&

HONOURABLE SRI JUSTICE S. ANANDA REDDY

-

-

-

-

-

-

WRIT APPEAL No. 1522 of 2004

(Order pronounced by Hon'ble Smt. Justice T.Meena Kumari)

Dt.25-01-2005